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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,920	10/28/2003	Mika Fujii	072982-0253	3987
22428	7590	01/09/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/693,920

Applicant(s)

FUJII ET AL.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 69-92 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-68 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 69-92 in the reply filed on 10/28/06 is acknowledged.

The examiner assumed that the applicant's is selected without transverse.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 9/28/05 and 12/29/03 have been considered by the examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 69-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hama (US 6,944,481) in view of Hirayama (US 2002/0198006).**

As to claim 69, Hama teaches a portable information terminal equipment (figure 1A-1C and 2) comprising:

upper and lower units coupled to one another by a hinge unit;

a hinge driving mechanism for changing the relative positions of the upper and lower units by rotating either or both the units; and

a controller for controlling the hinge driving mechanism to rotate either or both the units so that they are located at a angle to each other when receiving a call or a

message to thereby inform a user of the receipt of the call or the message (col.5, line 57-col.6, line 16 and col.21, lines 45-49).

Hama fails to teach the hinge rotate at a prescribed angle. Hirayama teaches the hinge rotate at a prescribed angle (paragraph 0017, 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hirayama into the system of Hama in order to provide a portable information terminal with multifunction capabilities.

As to claim 70, Hama teach a portable information terminal equipment (figure 1a-c, figure 2) comprising:

- upper and lower units coupled to one another by a hinge unit;

- a hinge driving mechanism for changing the relative positions of the upper and lower units by rotating either or both the units; and

- a controller for controlling the hinge driving mechanism to rotate either or both the units so that they are located at a angle to each other when receiving a call or a message based on information about the sender of the call or the message and/ or the received message to thereby inform a user of the receipt of the call or the message.

Hama fails to teach the hinge rotate at a prescribed angle. Hirayama teaches the hinge rotate at a prescribed angle (paragraph 0017, 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hirayama into the system of Hama in order to provide a portable information terminal with multifunction capabilities.

As to claim 71, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 69, wherein the controller provides open/ close operation control so that the upper and lower units are located at a prescribed angle to each other when an incoming call is not acknowledged (col.3, line 49-col.4, line 10).

As to claim 72, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 70, wherein the controller provides open/ close operation control so that the upper and lower units are located at a prescribed angle to each other when an incoming call is not acknowledged (col.3, line 49-col.4, line 10).

As to claim 73, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 69, further comprising a detector for detecting the placed condition of the equipment, wherein:

the controller provides open/ close operation control based on the placed condition of the equipment detected by the detector (figure 2, 119).

As to claim 74, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 70, further comprising a detector for detecting the placed condition of the equipment, wherein:

the controller provides open/ close operation control based on the placed condition of the equipment detected by the detector (figure 2, 119).

As to claim 75, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 71, further comprising a detector for detecting the placed condition of the equipment, wherein:

the controller provides open/ close operation control based on the placed condition of the equipment detected by the detector (figure 2, 119).

As to claim 76, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 72, further comprising a detector for detecting the placed condition of the equipment, wherein:

the controller provides open/ close operation control based on the placed condition of the equipment detected by the detector (figure 2, 119).

As to claim 77, the combination of Hama and Hirayama teaches portable information terminal equipment claimed in claim 70, further comprising a setting interface for registering user settings with respect to open/ close positions associated with the sender information and/ or received message information, wherein:

the controller controls the hinge driving mechanism in a manner so as to change the angle formed between the upper and lower units when receiving a call or a message based on the user settings (col.4, lines 28-46).

As to claim 78, the limitation of the claim is the same limitation of claim 77; therefore, the claim is interpreted and rejected as set forth as claim 77.

As to claim 79, the limitation of the claim is the same limitation of claim 77; therefore, the claim is interpreted and rejected as set forth as claim 77.

As to claim 80, the limitation of the claim is the same limitation of claim 77; therefore, the claim is interpreted and rejected as set forth as claim 77.

As to claim 81, the limitation of the claim is the same limitation of claim 77; therefore, the claim is interpreted and rejected as set forth as claim 77.

As to claim 82, the limitation of the claim is the same limitation of claim 77; therefore, the claim is interpreted and rejected as set forth as claim 77.

As to claim 83, the limitation of the claim is the same limitation of claim 77; therefore, the claim is interpreted and rejected as set forth as claim 77.

As to claim 84, the combination of Hama and Hirayama teaches the portable information terminal equipment claimed in claim 69, wherein the upper and lower units repeatedly open/ close at prescribed intervals under the control of the controller.

As to claim 85, the combination of Hama and Hirayama fails to teach portable information terminal equipment claimed in claim 70, wherein the upper and lower units repeatedly open/ close at prescribed intervals under the control of the controller. However, the examiner takes Official Notice that the upper and lower units repeatedly open/ close at prescribed intervals under the control of the controller is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of the upper and lower units repeatedly open/ close at prescribed intervals under the control of the controller into the system of Hama in order to enhance the system performance of the folding communication terminal having two displays.

As to claim 86, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

As to claim 87, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

As to claim 88, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

As to claim 89, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

As to claim 90, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

As to claim 91, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

As to claim 92, the limitation of the claim is the same limitation of claim 85; therefore, the claim is interpreted and rejected as set forth as claim 85.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Ota et al (US 2003/0190896) teaches mobile radio device.

B. Kido (US 2002/0177418, 2003/0153372) teaches portable terminal device to control message displayed on the display, method and program to control display of the message.

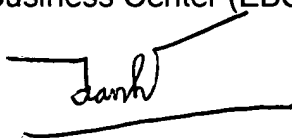


C. Mizuta (US 2004/0203532, 2003/0064758) teaches foldable information apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



January 04, 2006  
DANH CONG LE  
PATENT EXAMINER